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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 31st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 24 August 1998, at 3 p.m.

Chairman: Mr. GUISSÉ

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(ii) ARBITRARY DEPRIVATION OF NATIONALITY

The meeting was called to order at 3.05 p.m.

SITUATION REGARDING THE PROMOTION, FULL REALIZATION AND PROTECTION OF THE RIGHTS OF CHILDREN AND YOUTH (agenda item 11) (continued)

1. Mr. ALFONSO MARTÍNEZ said that the adoption of the Convention on the Rights of the Child had drawn international attention to the situation of children and young people. Although much valuable work was being done elsewhere in the United Nations system, the Sub-Commission's decision to retain the item on its agenda was a wise one in view of the particular vulnerability of children and young people and the distressing situation in which many of them continued to find themselves.

2. The Working Group on Contemporary Forms of Slavery had dealt with the issue of children and young people as a matter of priority and the relevant recommendations contained in the report on its twenty-third session (E/CN.4/Sub.2/1998/14) should be studied as a basis for action. The Working Group had also helped to clarify the way in which the Sub-Commission should approach the topic (paragraph 10 of recommendation 12).

3. The link between poverty and ignorance and the causes of contemporary forms of slavery could not be overemphasized, and the Sub-Commission should continue to analyse the impact of globalization on the human rights of children and young people. The problem of street children was still awaiting appropriate treatment by the United Nations and, in the absence of any draft resolution on the issue, the Sub-Commission should urge the Working Group to include it as a priority item on its agenda.

4. Ms. PEREZ DUARTE (Observer for Mexico) said that her country had been among the first to sign the Convention on the Rights of the Child, but one of the obstacles it had encountered in implementing its provisions was the phenomenon of the ill-treatment of children, which was chronic throughout the world. Her Government had introduced programmes to tackle the problem, and was anxious to root out its causes and deal with its effects. Finding itself in broad agreement with the concerns expressed by the Special Rapporteur on the sale of children, child prostitution and child pornography following her visit to Mexico in 1997 with regard to the lack of effectiveness of both national and international action to eradicate such practices, her Government had concluded that the campaign against such practices had to begin with education which stressed the dignity of the child and on training at all levels from the family to government institutions.

5. It recognized the importance of cooperation between government bodies and non-governmental organizations (NGOs), and was setting up a national committee to look into the problem, as had been recommended by the Special Rapporteur. It was also implementing the Special Rapporteur's other recommendations and supported her call to the international community to intensify its efforts to rescue such children from the hell in which they were living and help them attain the dignity they merited.

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(e) OTHER NEW DEVELOPMENTS;

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(ii) ARBITRARY DEPRIVATION OF NATIONALITY

(agenda item 12) (continued) (E/CN.4/Sub.2/1998/20-25, 29, 31, 32 and 37)

6. Mr. SORABJEE said that, while nobody questioned the need to combat terrorism, the recent incident which had provoked outrage must not cause the international community to lose sight of the fact that the means employed were important, and that a legitimate end could not be achieved by illegitimate means. It was important to ensure that, in fighting terrorism, States did not themselves indulge in terrorism of such gravity and dimension that the response amounted to a gross violation of human rights.

7. Mr. GENOT said that he would be submitting his thoughts on humanitarian activities and human rights in written form, including a draft decision calling for the item to remain on the agenda.

8. Ms. BATCHELOR (Office of the United Nations High Commissioner for Refugees (UNHCR)) said that the issue of the elimination of statelessness, a prime concern of UNHCR, was as yet insufficiently addressed at the international level. Nationality was a prerequisite for access to education, health care, the right to work and own property, to travel, to exercise civil and political rights and to be represented at the international level. In the absence of the relevant procedural safeguards, arbitrary deprivation of nationality almost always led to statelessness and those deprived of nationality were effectively outcasts from membership of the community of nation States.

9. Regional and international law continued to be refined; the 1997 European Convention on Nationality and the draft declaration on nationality adopted in 1997 by the International Law Commission were examples of the progress made. However, although many States had taken significant steps to harmonize their national legislation with the international instruments designed to ensure the avoidance of statelessness, implementation needed improvement. UNHCR provided relevant technical and advisory services in accordance with its mandate, and was involved in numerous ongoing programmes at the national level.

10. Avoidance of statelessness began with a review of where nationality was or could legitimately be held. Once nationality was granted, it should not be arbitrarily withdrawn, or withdrawn at all if statelessness would result. If that basic principle were applied by all States, the problem of statelessness would disappear. While it was easy to subscribe to article 15 of the Universal Declaration of Human Rights and declare that everyone had the right to a nationality, it was much more difficult to apply that right. As yet, only the surface of the problem had been scratched.

11. Mr. PARK said that agenda item 12 (d), on human rights and disability, was supposed to be discussed on a biennial basis but there had been no substantial debate on the item at the forty-eighth session, and no resolution had been submitted.

12. To enable it to consider the situation of disabled persons throughout the world, the Sub-Commission should invite the Special Rapporteur on disability of the Commission for Social Development to address its fifty-second session. Since the Working Group on Indigenous Populations and the Working Group on Minorities had both made solid contributions on a multitude of relevant issues, the Sub-Commission might, in due course, consider establishing a working group on disabled people, since the 500 million disabled persons in the world deserved an institutionalized forum of their own. The Sub-Commission might also consider drafting a convention on the rights of disabled persons in the near future.

13. Mr. MEHEDI said that terrorist attacks not only had a negative impact on the enjoyment of all human rights; they violated the most fundamental human right, namely the right to life. No single world Power was capable of

eradicating modern terrorism on its own, since terrorism was a faceless enemy which could be combated only through international cooperation grounded in solidarity. Not a single country was sheltered from terrorism which had acquired an irreversibly global character with the capability of dislocating whole societies. The instruments for international cooperation existed, ranging from simple bilateral agreements to actions at world level through such mechanisms as the International Criminal Police Organization (ICPO/INTERPOL). It was at regional level, however, that international cooperation was most refined, in the Council of Europe, the European Union or the Arab League, even though all the countries of the respective regions might not be party to all the instruments.

14. Although the usefulness of international and regional cooperation could not be overemphasized, the instruments concerned contained geographical and legal restrictions, such as clauses prohibiting the extradition of "political offenders", and international cooperation was also hampered by the desire of some States to protect themselves against possible reprisals and their fear of "importing terrorism". While all possible means must be used to counter terrorism, no one country should take it upon itself to ignite the fire or play the fireman.

15. Mr. EIDE said that the problem of terrorism arose when conflict dynamics became irrational. Much had been written about the causes of conflict but little about their dynamics - the interaction between the challengers and the incumbent or between the opposition and the government side. When processes of severe internal unrest or disturbance occurred, they revealed a process of polarization with severe cleavage in the body politic. The rule of law broke down and the machinery of law and order became a battleground. The security forces often shed the constraints they normally respected and, from being the servants of civil society, became main actors in the conflict. During states of siege or emergency, law-making power was transferred to the executive and that in turn came under the dominance of the security branch, which also sometimes arrogated to itself control over the judiciary.

16. Even when faced with terrorism, the basic principles of the administration of justice must continue to be applied: if they were not, actions were likely to make the situation worse, with even more serious forms of terrorism. The legal order was increasingly regarded as an instrument of repression, and that gave credibility to militant opposition assertions that no justice could be expected from the Government. The downward spiral into generalized violence could then lead to patterns of behaviour where no distinction was made between combatants and civilians. Ruthless fanaticism made the combatants entirely insensitive to the fate of innocent people who had nothing whatever to do with the conflict.

17. Preventing terrorism required action on many levels. Human rights education in peacetime instilled in every child respect for and tolerance of every other human being, and also clarified the minimum standards that needed to be applied when a conflict erupted. More work needed to be done on ways in which groups could learn to accommodate each other and share the same territory without fighting. People had to be made to understand that even noble principles, such as that of self-determination, could be misused for purposes of mobilizing hatred and intolerance.

18. Ways had to be found to ensure that persons engaging in terrorism could be brought to trial and punished without resorting to counter-terrorist activities that increased the likelihood of further terrorism. Terrorists should be isolated and the moderate forces in their movements encouraged; NGOs which believed in the underlying cause of a particular movement should dissociate themselves from that movement or its leaders when it engaged in systematic acts of terror. However worthy the aims might appear, they could not justify the means of terror.

19. Ms. HAMPSON said and argument was being conducted within the United Nations which might be described as "the battle of reservations to human rights treaties". In one corner stood the International Law Commission, which had concluded that no special principles applied to human rights treaties, while in the opposite corner were the treaty bodies, some of which had turned to the Sub-Commission for help, suggesting that the question could be the subject of a useful independent study. That request, which would be put before the Sub-Commission in the form of a proposal for a decision, would not, she hoped, fall on deaf ears.

20. It was possible to go a long way without resorting to arguments about the special nature of human rights treaties. It was an inherent feature of any court or quasi-judicial body that it had jurisdiction to determine whether or not it had jurisdiction, and that included decisions as to the scope of its jurisdiction. Since reservations affected the scope of the jurisdiction of the human rights treaty bodies, they clearly had the jurisdiction to determine the validity and scope of reservations which would affect their jurisdiction. The Inter-American Court of Human Rights and the European Court of Human Rights had both been doing so for a long time. There was also an important question as to the relationship between the normative part of a treaty and its monitoring provisions. Clearly, there were a number of important questions that needed to be considered.

21. Turning to the question of mercenary activity in an armed conflict, she said that what made the activity objectionable was the fact that foreigners with no personal stake in the future of the territory in which they were fighting were undertaking the activity. The offence of the mercenary was one against the rules on the resort to force (ius ad bellum) rather than an offence against the rules of war (ius in bello). If a mercenary violated the laws of war in the way in which he fought he should be prosecuted on that account. Mercenaries should not, however, be denied combatant status if they fought according to the rules.

22. If a State sought the assistance of foreign forces under a bilateral agreement and the persons concerned remained members of their own armed forces on official duty, they were not mercenaries. If a State sought the assistance of individual former members of the armed forces of another State, they were not mercenaries so long as they merely trained the armed forces. If, however, they took part in hostilities, they were mercenaries unless they were incorporated into the armed forces of a party to the conflict. She therefore proposed as an idea for further consideration that it should be an international offence, subject to universal jurisdiction, for a person to

participate actively in a conflict in a territory of which he was not a national or a long-term resident unless he did so as a member of the armed forces of a State party to the conflict.

23. Turning to the question of responding to terrorist activity, she said that, in common with every other member of the Sub-Commission, she unequivocally condemned all terrorist attacks by whomsoever they were made. There had been a number of such attacks during the current session of the Sub-Commission, including attacks on the United States embassies in Nairobi and Dar es Salaam, a bomb explosion in Omagh, Northern Ireland, and an explosion at El Khemis, a town south-west of Algiers. There was no doubt that those responsible needed to be identified, sought out and brought to justice. To deal effectively with terrorists, every attempt had to be made to detain the perpetrators of such acts and put them on trial.

24. It was not just for reasons of legal principle that trials were required: they also served a practical purpose in demonstrating that the State was not resorting to terrorist tactics and techniques. Where the State resorted to actual or attempted extrajudicial killings, it simply created martyrs. Where a State responded to a previous unlawful attack, said to be part of a continuing threat, by resort to armed force, then it was incumbent upon that State to produce evidence of the connection between the targets of its own attacks and the suspected perpetrators of the earlier attack.

25. To demonstrate respect for the rule of law, it was also necessary to show that the resort to armed force had occurred as a last resort. Where the target was in another sovereign State, the State victim of the terrorist attack should first request that the suspected terrorists be detained and either brought to justice in that other State or surrendered for trial before the courts of the victim State.

26. The Statute of the International Criminal Court defined crimes against humanity as including "inhumane acts ... intentionally causing great suffering, or serious injury to body or to mental or physical health ... when committed as part of a widespread or systematic attack directed against any civilian population". That would appear to cover attacks likely to instil terror in the civilian population, and any State which wished to ensure that effective action was taken against terrorist attacks and which also sought to uphold the rule of law should be expected to ratify the Statute of the International Criminal Court.

27. An intervention which involved the resort to armed force put at risk the human rights of innocent potential victims both directly, in that there was a risk of casualties, and indirectly. It was reported that aid workers had left Afghanistan - following the United States attack on what it stated was a terrorist base - because all foreigners had become potential targets. That indirect, but foreseeable, consequence of the attack in Afghanistan would have an impact on the lives of Afghan civilians, and particularly on women.

28. Anyone who claimed to play the role of international policeman needed to remember that a policeman was subject to and upheld the rule of law. Until there was evidence of the non-cooperation of Afghanistan and the Sudan in

bringing to justice those suspected of involvement in terrorist attacks against the United States of America, it was not possible to conclude that the recent attacks constituted international policing.

29. Mr. PEREZ BERRIO (American Association of Jurists) said that General Comment 8 of the Committee on Economic, Social and Cultural Rights stated that economic sanctions almost always produced tragic consequences for the rights recognized in the International Covenant on Economic, Social and Cultural Rights, frequently leading to breakdowns in the supply of food and medicine, deterioration in the quality of food and the availability of drinking water, serious obstacles to the functioning of basic health and education systems, and an undermining of the right to work.

30. The indefinite extension by the Security Council of the embargo imposed on Iraq violated fundamental human rights, as did unilaterally imposed economic sanctions such as the United States embargoes against Cuba, the Islamic Republic of Iran and the Libyan Arab Jamahiriya.

31. The so-called programme for the democratization of Cuba contained in the Helms-Burton Act was simply a plan to turn that country into a vassal of the United States of America. As for Cuba's nationalization of the property of United States citizens and former Cuban citizens who had subsequently acquired United States citizenship, that was an internationally recognized prerogative of the political sovereignty of States which was enshrined in the Charter of Economic Rights and Duties of States, adopted by the General Assembly in 1974.

32. Ms. MARWAH (International Institute for Non-Aligned Studies) said that the absence of a balanced relationship between individual and community rights could lead to denial of the rights of a society as a whole and to instability and anarchy. The necessary conditions for the sustenance of human rights were the absence of poverty, conditions of peace and security and the safeguarding of national sovereignty. In the pantheon of human rights, pride of place should be given to the right to development, yet it had still to be translated into action by the international community.

33. Human rights were threatened by militarily, economically and politically powerful States which, on any trivial pretext, imposed sanctions against other countries. Such sanctions were nothing but neo-colonialism, determined by commercial and foreign policy interests. Gross and massive violations of human rights, whether perpetrated by States, non-government entities or terrorist groups were a threat to mankind as a whole.

34. Mr. MONOD (War Resisters International) said that 90 per cent of the reported cases of enforced disappearances, extrajudicial killings and rapes had been committed by official armed forces and paramilitary forces. National armed forces were abusing their power in that way in Chad, Colombia, Indonesia, Myanmar, Yemen and many other countries.

35. The violence used by armed opposition groups was to be condemned categorically, but the oppressor State was responsible for their appearance and had led them to their extreme position by its own uncompromising stance. Examples included the Kosovo Liberation Army, the Armed Islamic Groups in Algeria, the Kurdish Workers' Party (PKK) in Turkey, the Mexican Zapatistas,

the Liberation Army in Southern Sudan and the Mujahadin in Kashmir. Governments used State terrorism against such armed groups, and the civilian population was the chief victim.

36. A democratic Government that listened to the needs of its population and was on good terms with its neighbours did not need an army. Governments should envisage the possibility of a world without armies and a civilization without the murderous arms trade. The fiftieth anniversary of the United Nations Declaration on Human Rights was an opportunity for the Sub-Commission to take a decision to delegitimize all forms of violence, under pain of prosecution before the International Criminal Court.

37. Ms. FONTANA (International Prison Watch) said that two out of every three people in the world suffering from HIV/AIDS were African, and the prison population represented a particularly vulnerable group of them. In Uganda, 15 per cent of the prison population was HIV positive, as against 10 per cent for the rest of the population. In Côte d'Ivoire, the figures were 37 per cent and 13 per cent.

38. An international conference on HIV/AIDS in African prisons, organized by her organization in February 1998 had concluded that prison overcrowding was aggravating the AIDS pandemic in the prisons, that prison health-care services lacked the necessary financial and human resources for effective prevention and treatment, that some countries had no proper written rules governing the confidentiality of medical information on prisoners, that most countries had no statutory provisions facilitating the dissemination of information on HIV/AIDS, and that all African countries except South Africa restricted access to prophylactics such as condoms.

39. States had the responsibilities in the areas of public health and human rights to formulate a national anti-AIDS policy that did not exclude prisoners and to adopt measures to protect prisoners from sexual abuse, rape and violence, to ensure confidentiality, to outlaw involuntary screening, to provide for early release of infected prisoners on humanitarian grounds and to promote access to information. Ethics and human rights training programmes should be provided for prison staff and the international community should make more technical and financial resources available to fight the pandemic.

40. Ms. NEURY (Centre Europe-Tiers Monde) said that the powerful used "terror" to cow the defenceless into resignation, while the weak and oppressed used the same weapon to frighten the powerful and galvanize the people into resistance. One category of violence was condemned as law-breaking, while the other category, the violence of the strong against the weak, of rulers against their subjects and of employers against workers, was officially condoned.

41. The root causes of terrorism were the growing disparity between North and South, and the extreme poverty suffered by millions whose cries went unheard. When the power of speech was curtailed, violence took its place. The powerful responded in kind by imposing sanctions and launching military strikes. The United States of America was the champion of arrogance, claiming to have a "special responsibility" to fight terrorism in the name of peace and freedom. But the strength of resistance to the United States' hegemony was being demonstrated every day.

42. The Special Rapporteur on terrorism and human rights should study the extent to which the struggle between wielders and subjects of power influenced the various forms of violence used to terrorize individuals, groups of individuals or States, and should pay particular attention to the causes of terrorism, the responsibilities of the various actors, the ensuing penalties and reparations to victims of terror.

43. Ms. PARES (Pax Romana), speaking also on behalf of the World Organization against Torture, said that the Ottawa Convention on the Prohibition and Transfer of Anti-personnel Mines and on Their Destruction had been signed by 129 States and ratified to date by 32. It would enter into force six months after the fortieth ratification.

44. Although article 19 of the Convention ruled out the possibility of reservations, certain ratification legislation, that of the United Kingdom for instance, was worded in such a way as to weaken the aims of the Convention and misinterpret its provisions. It was a principle of international law that, even where reservations were permissible, they should not be inconsistent with the purpose of the treaty in question.

45. The organizations she represented called on the Sub-Commission to urge States and other bodies that were still producing, trafficking in or using anti-personnel landmines to cease those activities forthwith, to appeal to all States to ratify the Ottawa Convention, destroy stockpiles and step up support for mine clearance and assistance to victims and education programmes, and to establish a mechanism to follow up the implementation of the Ottawa Convention.

46. Mr. PANDITA (African Commission of Health and Human Rights Promoters) said that, despite repeated international condemnations of terrorist acts, the situation continued to deteriorate. Terrorist tactics had been streamlined and channels of communication improved. As the Special Rapporteur on human rights and terrorism stated in paragraphs 10 and 11 of her working paper (E/CN.4/Sub.2/1997/28), there was no universally accepted definition of terrorism. The academic debate on a consensual definition dragged on, while innocent people continued to lose their lives, a fear psychosis was generated and the socio-economic fabric of societies was rent asunder.

47. However, paragraph 1 of Sub-Commission resolution 1996/20 seemed to provide a reasonable basis on which to build a universally accepted definition, the more so as it was generally agreed that a struggle leading to the disintegration of a State or challenging its territorial integrity and sovereignty by force of arms could not be recognized as a struggle for self-determination. International terrorism and the privatization of terrorism were extremely dangerous phenomena, where Governments tolerated the formation of terrorist groups on their soil and facilitated their movements across international borders.

48. Mr. WILKES (Consultative Council of Jewish Organizations), having recalled with pride the central role played by his organization's first President, René Cassin, in the drafting of the Universal Declaration of Human Rights, said that its fiftieth anniversary offered a signal opportunity to reflect on the fears and hopes that had been present at its birth. He quoted

from a speech delivered by Mr. Cassin in 1970, which had lost none of its relevance. Man's new and fuller power over the forces of nature brought with it the responsibility to use that strength more wisely than in the past and to allot to all members of the human race the fundamental rights to which they were entitled. Economic, social and cultural rights must be enforced as strictly as those pertaining to legal and political rights and freedoms. Religion recognized its responsibility for preventing injustice, violence and all other ills that weakened the social fabric and undermined human rights and the State no longer wielded sovereign power over those it governed.

49. His organization noted with gladness the ongoing improvements in the United Nations human rights mechanisms, reforms for which many NGOs had consistently worked. René Cassin's vision was one of the interdependence of all human rights. Only a universal system could fully respond to the social and economic conditions prevailing in the modern world.

50. Mr. LOPEZ (International Educational Development, Inc.) said that the sanctions regime imposed on Iraq clearly violated the Charter of the United Nations, the Geneva Conventions and human rights norms. The adverse consequences of the economic sanctions on the people of Burundi had been noted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in that country. In the light of Sub-Commission resolution 1997/35, his organization had prepared a memorandum on sanctions in the light of human rights and humanitarian law and urged the Sub-Commission to keep the issue on its agenda.

51. In its resolution 1996/16, the Sub-Commission requested the United Nations Secretary-General to provide it with information on depleted uranium weaponry and any other weaponry whose use was questionable in the light of humanitarian and human rights standards. His organization had prepared a memorandum on the subject in which it identified criteria for assessing such weapons according to which depleted uranium weapons and others listed in resolution 1996/16 would be illegal. He was looking forward to the working paper on weaponry which Mrs. Forero Ucros was to submit to the Sub-Commission at its next session pursuant to resolution 1997/36.

52. Ms. SPALDING (World Federation for Mental Health) said that, to mark the anniversary of the Universal Declaration of Human Rights, an international group of volunteers had organized a Fête d'excellence in Geneva involving concerts, exhibitions, films, round table discussions and other events.

53. Special attention had been given to the rights of the disabled. In that connection, she stressed the need to regularize the issuance of assistance badges for aides helping accredited persons with disabilities at United Nations gatherings. She also expressed concern at the difficulties encountered in obtaining health insurance for persons attending the Sub-Commission's sessions.

54. Mr. EIBNER (Christian Solidarity International), having welcomed the advance in democratic values and principles achieved in the countries of the former Soviet Union and in Latin America, said that systematic and brutal religious discrimination and terrorism were gaining ground in countries where the totalitarian ideology of jihad was a powerful factor in public life. It

was the ideology of Usama bin Ladin, of those who had recently planted bombs in Nairobi and Dar es Salaam, of the Jama'at al-Islamiya assassins of Coptic Christians and Muslim officials in Egypt, of anti-Jewish Hamas suicide bombers, of the Armed Islamic Group that massacred Muslim villagers in Algeria and of certain Islamist States such as the Sudan, whose National Islamic Front regime waged a jihad against its own people.

55. His organization called on the Sub-Commission to accept the proposal for a decision on the critical humanitarian situation in the Sudan and to condemn in the strongest terms the terrorist and genocidal ideology of jihad.

56. Mr. BIR THAPA (European Union of Public Relations) said that, between 1989 and 1998, nearly 20,000 people had been killed by terrorists in Indian Jammu and Kashmir. The Kashmiri pandits had been driven from their homes and were forced to live as refugees in their own land. The perpetrators belonged to the Lashkar-e-Taiba group based near Lahore in Pakistan, which had called for a jihad in Kashmir. The Pakistani authorities, who permitted terrorists to operate openly from their country, were the real criminals and should be brought to justice.

57. In Nepal, formerly a model of social harmony, political extremists under the banner of Maoism had been resorting to violence and terror to achieve their goals.

58. Mr. WARIKOO (Himalayan Research and Cultural Foundation) said that the legislation of some countries was of purely cosmetic value, being regularly flouted by government actions. Pakistan, for example, through both legal and social processes, promoted intolerance against religious minorities, including even the Shia minority. The blasphemy laws had given the extremists a free hand and had become a convenient tool to silence dissenting voices. He urged the international community to put pressure on Pakistan to draw back from the promotion, and even the export, of religious extremism.

59. Mr. VO VAN AI (International Federation of Human Rights Leagues) said that religious freedom in Viet Nam was guaranteed by the 1992 Constitution, but legislation criminalized the peaceful exercise of religious belief and subordinated religious activity to the interests of the State. Such legislation was issued by the Government and the Communist Party in the form of directives. Only religious activities seen as "useful to the nation" were protected; "abuses which in the guise of religious activity threatened public order, harmed national independence and sabotaged the policy of national unity", as well as "illegal religious activity", would be severely punished. The latter category included the publication, dissemination or importation of religious books and "unlawful" preaching and fund-raising for the building or restoration of places of worship.

60. The directives had been systematically invoked to justify a massive campaign of repression in various provinces, directed particularly at Buddhists and Protestants. A church had been razed and Protestants had been harassed. In one province they had been heavily fined or sentenced to forced labour. In Ha Giang Province, 300 members of the Hmong minority had been beaten up and imprisoned for wishing to convert to Protestantism.

61. Hundreds of pagodas belonging to the United Buddhist Church of Viet Nam had been confiscated in November 1997 and forcibly amalgamated with the State Buddhist Church. Clergy belonging to the former had been expelled or detained and their followers harassed. There was particular concern over the fate of the Patriarch of the United Buddhist Church of Viet Nam, Thich Huyen Quang, who had been held in detention for 15 years without trial.

62. He urged the Sub-Commission to exert pressure on Viet Nam to respect its commitments and to give the Special Rapporteur on the question of religious intolerance full freedom of access during his next visit to the country.

63. Noting that the integrity of many human rights instruments was endangered by reservations incompatible with their aims, he called on the Sub-Commission to follow up the issue, carry out a study on the effect of reservations on the effective protection of human rights and propose some practical solutions.

64. Mrs. WARZAZI recalled that, in its resolution 1997/35, the Sub-Commission had decided to consider the adverse consequences of economic sanctions on human rights at its fiftieth session. The topic should be retained on the agenda for the fifty-first session. It was an encouraging sign that increasing numbers of well-known people were protesting at the economic coercion that had had a disastrous effect on the health system in Iraq, leading to the death of over 1.5 million people, including 700,000 children. The sanctions had been condemned by prominent United States citizens, by the 82 NGOs, by Iraqi opposition leaders and by representatives of the Arab and Latin American worlds. The British Department of International Development had allocated £7 million for humanitarian aid for Iraq.

65. Bodies set up to oversee the situation in Iraq, such as the United Nations Special Commission established pursuant to paragraph 90 (i) of Security Council resolution 687 (1991), did not seem to be fulfilling their mandate properly; some oil had been sold to buy food, but some States were employing a variety of tactics to impede the supply of pharmaceutical goods. The Secretary-General's personal representative had stated, on the basis of figures supplied by the United Nations Educational, Scientific and Cultural Organization (UNESCO), that 26 per cent of the school-age population did not attend school and that the educational infrastructure had been devastated.

66. Ms. EARTHER (Prison Fellowship International), speaking on behalf of Christian Solidarity Worldwide (CSW), urged the Sub-Commission to take all possible steps to ensure that the issue of religious freedom was more thoroughly addressed and prioritized by the United Nations.

67. The Constitution of Viet Nam recognized religious freedom, yet the 8 to 9 million Christians in the country faced daily harassment. Religious organizations were required to adhere to strict regulations governing every facet of religious life. Roman Catholics made up 10 per cent of the population and the Government required all clergy to belong to the government-controlled Catholic Patriotic Association.

68. The Protestant churches faced particular difficulties: over the past 23 years not a single Protestant church organization had received legal recognition. The consequent "illegal" meetings were routinely raided by the security services.

69. Clergy of both denominations were frequently harassed and faced with imprisonment. There were numerous documented incidents of beatings, maltreatment and torture of imprisoned Christians. The United Nations should exert pressure on the Government to ensure that its law and policy conformed with international standards on religious freedom, that all those imprisoned on the grounds of their religious belief were released and that reported incidents of ill-treatment and torture were investigated.

70. Mr. RUPESINGHE (World Federation of Trade Unions) said that many terrorist groups were used by States in pursuance of their political and strategic interests, free from any international oversight. The very same States then had the gall to urge that the States that they were subverting should be censured. Terrorism had become an established industry in many parts of the world, children being indoctrinated and taught the arts of war.

71. The Taliban were graduates of such schools. The Lashkar-e-Taiba and the Harkat-ul-Ansar, drawing their inspiration from the same sources, were to do to Jammu and Kashmir what the Taliban had done to Afghanistan. The recent bombings of United States embassies in Africa were part of the same phenomenon. The Sub-Commission should urge the donors of economic assistance to state that no further aid would be forthcoming for Pakistan until the groups were disbanded, the camps closed and the terrorists arrested.

72. Mr. PINNAGODA (International Buddhist Foundation) said that the issue of human rights and terrorism was barely addressed within the international community and terrorists continued to violate human rights with impunity. Haphazard retaliation by militarily powerful States, when their own people or economic interests were targeted by terrorists, was not a global demonstration of the will to combat terrorism. Indeed, it was an incitement to terror in other parts of the world.

73. Terrorists, whether Governments or individuals, were engaged in subhuman activities, whether it were the suspension of constitutions and democratically elected parliaments, bombings or the crimes by such groups as the Liberation Tigers of Tamil Eelam (LTTE), among whose recent outrages had been the sacrilegious attack on the most sacred Buddhist shrine in Sri Lanka. Their goal was to create an ethnically segregated Tamil state in Sri Lanka, where 64 per cent of Tamils lived in harmony with other ethnic communities. Over 100,000 Muslims had been driven out of the north-east of Sri Lanka. Political leaders of their own community, as well as others, were assassinated. No democratic opposition was tolerated.

74. An expatriate Tiger activist had, in response to comments by Mr. Eide of the Sub-Commission, posted on the Internet a justification of terrorism as the means of creating an ethnically pure state, initially in Sri Lanka (where less than 2 per cent of the 70 million Tamils on whose behalf he claimed to speak were living) and then in south India and South-East Asia generally.

75. There should be an action-oriented programme to eradicate the most dangerous categories of terrorist. Such categories might include those who assassinated national leaders or human rights activists, committed sacrilege or engaged in drug trafficking, gun-running, ethnic cleansing, child abuse or suicide attacks. States should frustrate terrorists by depriving them of the means to perpetrate terror.

76. Ms. RUPPRECHT (International Institute of Peace) said that terrorism assumed a much more dangerous dimension when it became an instrument of State policy. Many incidents of terrorist violence could be traced back to just one country, namely Pakistan. The perpetrator of the World Trade Centre bomb blasts had been caught in Pakistan, as had been the killer of officials of the Central Intelligence Agency (CIA). Other Pakistan-based terrorists had been identified in the Philippines, France and Egypt.

77. Pakistan had used insurgency and terrorism as an instrument of policy in Jammu and Kashmir. The Harkat-ul-Ansar, based in Pakistan, was active in many countries, including Tajikistan, Bosnia, Myanmar and India. Three times over the past year the Lashkar-e-Taiba had called for the killing of Hindus and Jews, together with a jihad against India and democracy. On each occasion massacres of Kashmiri Hindus had taken place shortly thereafter. The objective of such massacres was crystal clear: to cleanse Jammu and Kashmir of minority communities so that terrorists indoctrinated and trained in Pakistan could fulfil that country's ambition of installing an alien extremist polity in the Indian state.

78. Pakistan, having escaped international censure over its terrorist activities, felt emboldened to continue wreaking death and destruction on innocent people. The human rights of the world community would be far more secure if that State was kept in check. A start should be made by calling on Pakistan to dismantle its terrorist bases.

79. Mr. BENNETT (Afro-Asian Peoples' Solidarity Organization) said that the leader of the Pakistan-based Lashkar-e-Taiba had called democracy a useless practice. The Lashkar-e-Taiba called for a jihad against Hindus, Jews, democracy and all things Western. A new body of laws was essential to deal with the modern terrorist, who respected only the perpetration of death. Nations which provided an operational base for such groups should be curbed and parallel action against States that knowingly allowed their territory to be used by terrorists was essential.

80. There should be no double standards. The United Kingdom Government had allowed terrorist groups from other countries to open offices on the grounds that the United Kingdom was a free society. Moreover, there appeared to be an inherent racism in the treatment of terrorist issues. A single terrorist incident at the World Trade Centre in New York had sparked off an international manhunt, whereas calls for a jihad by the Lashkar-e-Taiba, which were regularly followed by mass murders of Hindus, were barely reported.

The meeting rose at 6.05 p.m.